

RECEIVED
CENTRAL FAX CENTER
SEP 07 2005

**CERTIFICATE OF FACSIMILE TRANSMISSION
UNDER 37 CFR §1.8**

I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being transmitted on the date indicated below via facsimile to the United States Patent and Trademark Office, facsimile number (571)-273-8300.

Date: Sept. 7. 2005

H. Chin Barnhill
Hui Chin Barnhill

In Re Application of: Ishiguro et al.

Serial No.: 10/748,895

Filed: December 30, 2003

Docket No. 251312-1020

For: **Massage Device**

**Notice Regarding Resubmission of...
Copy of Postcard and Certificate of Mailing
Submission of Substitute Declaration and Revised Claim...
Substitute Declaration
Copy of JP2003-321841**

Total Pages Transmitted (including cover sheet) - 53

RECEIVED
CENTRAL FAX CENTER

SEP 07 2005

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application of: Ishiguro et al.

Group Art Unit: Unassigned

Serial No.: 10/748,895

Examiner: Unassigned

Filed: December 30, 2003

Docket No. 251312-1020

For: **Massage Device**

**NOTICE REGARDING RESUBMISSION OF SUBSTITUTE DECLARATION
AND REVISED CLAIM OF PRIORITY TO
AND SUBMISSION OF COPY OF JAPAN APPLICATION
PURSUANT TO 35 U.S.C. §119**

Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Sir:

In regard to the above-identified pending patent application, Applicants resubmit herewith the documents filed on September 24, 2004, which Applicants have received no further correspondence from the USPTO in this regard.

No fee is believed to be due in connection with this submission. If, however, any fee is believed to be due, you are hereby authorized to charge any such fee to deposit account No. 20-0778.

Respectfully Submitted,

**THOMAS, KAYDEN, HORSTEMEYER
& RISLEY, L.L.P.**

By:


Daniel R. McClure, Reg. No. 38,962

100 Galleria Parkway, Suite 1750
Atlanta, Georgia 30339
770 922 0500

Serial No. 10/748,895
 Patent No.:
 Applicant: Ishiguro et al.
 Title: Massage Device
 Docket No. 12513121020
 EM No.:
 C/M Date: 09/24/04
 Due Date:

PATENT AND TRADEMARK OFFICE
 STAMP HEREON ACKNOWLEDGES
 RECEIPT OF THE BELOW IDENTIFIED
 PAPERS:

Cert. of Mailing: Regular US Mail
 Express Mail

Fees \$
 Pmnt Form Check
 Dep. Acct:
 Credit Card Pym't Form
 Fee Transmittal Page

- RCE Application Transmittal Pg.
- Missing Parts Response
- Copy of Missing Parts Notice
- Resp. Incomplete Application Papers
- Copy - Not Incomplete Appl. Papers
- Declaration & Power of Attorney
- Preliminary Amendment
- Small Entity Status Claimed
- IDS/Form 1449
- Cited Reference(s) ()
- Assignment/Assign't Cover Sheet
- Terminal Disclaimer
- Amendment Transmittal Page
- Amendment:
 - Non-Final Final
 - After Not. Allow Unentered
- Response to Advisory Action
- Petition for EOT to:
- Claim of Priority & Sub. Cert. Copy of Foreign Application
- Other: Submission of Subst. Decl. & Revised Claim of Priority

USPTO STAMP

- Request to Rescind Non-Pub.
- Petition to Make Special
- Status Inquiry (in duplicate)
- Notice of Appeal
- Appeal Brief (in Triplicate)
- Request for Refund
- Request for Correction F/R
- Notice of Continuation Appl.
- Issue Fee Trx. In Dupl.
- Sheets of Drawings
 - Formal Informal
- Letter/Trx. To Draftsman
- Prior to NOA W/I NOA
- Request for Cert. Of Correct.
- Certificate of Correction x 2
- Maintenance Fee Transmittal
 - 3.5 7.5 11.5
 - In duplicate

Person Mailing: HCB

Responsible Atty: DRM

CERTIFICATE OF MAILING

I hereby certify that the below listed items are being deposited with the U.S. Postal Service as first class mail in an envelope addressed to:

Mail Stop
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

on Sept. 24, 2004

H. Chin Barnhill
Hui Chin Barnhill

In Re Application of:

Confirmation No.: Unassigned

Ishiguro et al.

Group Art Unit: Unassigned

Serial No.: 10/748,895

Examiner: Unassigned

Filed: December 30, 2003

Docket No.: 251312-1020

For: **Massage Device**

The following is a list of documents enclosed:

Return Postcard
Submission of Subst. Decl. & Revised Claim of Priority...

Further, the Commissioner is authorized to charge Deposit Account No. 20-0778 for any additional fees required. The Commissioner is requested to credit any excess fee paid to Deposit Account No. 20-0778.

SEP 07 2005
PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application of: Ishiguro et al.

Group Art Unit: Unassigned

Serial No.: 10/748,895

Examiner: Unassigned

Filed: December 30, 2003

Docket No. 251312-1020

For: Massage Device

CLAIM OF PRIORITY TO AND
SUBMISSION OF CERTIFIED COPY OF JAPAN APPLICATION
PURSUANT TO 35 U.S.C. §119

Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Sir:

Enclosed herewith are:

- (1) a substitute declaration for entry in this application; and
- (2) a copy of a Japanese priority application, in support of the revised priority claim below.

Revised Priority Claim

In regard to the above-identified pending patent application and in accordance with 35 U.S.C. §119, Applicants hereby claim priority to and the benefit of the filing date of Japan patent application entitled, "Massage Device", filed September 12, 2003, and assigned serial number 2003-321841. Further pursuant to 35 U.S.C. §119, enclosed is a copy of the Japanese patent application (Note that the original, certified copy was filed in co-pending application serial number 10/748,324).

Additional Remarks Supporting this Submission

The present application was filed on the same day as co-pending U.S. application serial number 10/748,324. These cases are related, insofar as they have the same title, inventors, and assignee. It has come to the attention of the undersigned attorney that the declaration (and therefore priority documents) of these two applications were filed in the opposite application. That is, the declaration previously filed in this application should have been filed in co-pending application serial number 10/748,324 (and vice-versa). Since the declaration identifies the priority document by number, when the priority documents were received, they were filed in the application having the declaration that carried the matching number.

The undersigned just recently noticed this discrepancy, by discovering that the client reference number on the declaration did not match the client reference number on the application. For example, the application (as filed in this case) bears a client reference number of 7051-A20170US (see header of application as filed). The client reference on the declaration (see footer of page 1) that was previously filed in this application, however, is 7051-A20171US. The substitute declaration that is submitted herewith properly bears the client reference number of 7051-A20170US.

This declaration accompanied the copy of the application (as filed) and apparently was crossed-up with the co-pending matter as the undersigned was preparing the two matters for filing. Therefore, this declaration should be accepted into this application.

The undersigned is making a corresponding submission in the co-pending application.

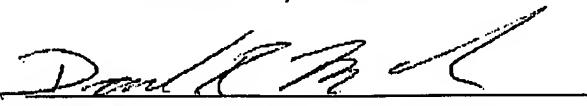
Regarding the timeliness of the filing of this revised claim for priority, since this submission is made within 16 months of the filing date of the priority document (*i.e.*, Sept. 12, 2003), this claim is timely and should be entered (see 37 CFR 1.55 and MPEP 201.14(a)).

No fee is believed to be due in connection with this submission. If, however, any fee is believed to be due, you are hereby authorized to charge any such fee to deposit account No. 20-0778.

Respectfully Submitted,

**THOMAS, KAYDEN, HORSTEMEYER
& RISLEY, L.L.P.**

By:



Daniel R. McClure, Reg. No. 38,962

100 Galleria Parkway, Suite 1750
Atlanta, Georgia 30339
770-933-9500